

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GARNELL BAILEY,)	
)	Civil Action
Plaintiff)	No. 02-CV-04683
)	
vs.)	
)	
LUCENT TECHNOLOGIES, INC. and)	
AGERE SYSTEMS,)	
)	
Defendant)	

O R D E R

NOW, this 24th day of November, 2004, upon consideration of the Motion for a New Trial and to Alter or Amend Judgment Pursuant to Federal Rule of Civil Procedure 59 and 59(e), filed on behalf of plaintiff on October 28, 2004; upon consideration of the Motion for Additional Time to File Brief in Support of Rule 59 and 59(e) Motions, which motion was filed on behalf of plaintiff on October 28, 2004; upon consideration of Defendant's Opposition to Plaintiff's Motion for Additional Time to File Brief in Support of Rule 59 and Rule 59(e) Motions filed November 5, 2004; it appearing that Rule 7.1(e) of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania effective July 1, 1995 permitted plaintiff 14 days from the filing of her post-trial motions to order a trial transcript from the Clerk of Court, or until November 11, 2004; it further appearing that as of the date of the within Order plaintiff did not order a trial transcript from

the Clerk of Court, and accordingly has failed to perfect her post-trial motion; it further appearing that plaintiff has neither sought an extension of time to order the transcript, nor has she filed a verified motion showing good cause to be excused from ordering the transcript,

IT IS ORDERED that plaintiff's Motion for a New Trial and to Alter or Amend Judgment Pursuant to Federal Rule of Civil Procedure 59 and 59(e) is denied for lack of prosecution.

IT IS FURTHER ORDERED that plaintiff's Motion for Additional Time to File Brief in Support of Rule 59 and 59(e) Motions is denied as moot.¹

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge

¹ It is the sense of this Order that because plaintiff failed to order the transcript of the trial in this matter from the Clerk of Court as required by Local Rule 7.1(c), and because plaintiff's request for additional time to file a brief was, in part, based upon a request to file her brief after receipt of the trial transcripts, and because we have dismissed plaintiff's post-trial motion because of her failure to timely order the trial transcripts in support of her post-trial motions, we conclude that plaintiff's request for an extension of time to file a brief in support of her post-trial motion is moot.